

REMARKS/ARGUMENTS

Pursuant to 37 C.F.R. § 1.114, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1 and 3 - 6 are presented for consideration. Claims 2 and 7-18 have been cancelled, however Applicants respectfully reserve their right to file continuing applications directed to the subject matter thereof. Claims 1 and 3 have been amended to set forth that their respective steps of forming a pattern in the film is done “without rupture in the film at the pattern areas.” Support for such amendment is found at least on page 16, lines 9-12 of Applicants’ specification. No new matter has been added.

By way of the Office Action mailed December 2, 2008, claims 1 and 3 – 6 were rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over US Patent Number 5,226,992 to Morman in view of US Patent Application Number 2003/0022582 to Cree et al. and US Patent Number 4,842,794 to Hovis et al. This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

Claims 1 and 3 have been amended to include the feature that the “forming” step is performed without rupture in the film at the pattern areas. The cited combination of references does not teach or suggest forming a pattern of shapes defined by thin and thick areas in a film without rupture in the film at the pattern areas. For example, Hovis teaches that “[d]uring the embossing operations the lands of the roll’s engraved patterns cross each other at an acute angle **and cause a slit to be formed in the film**. Therefore, Hovis expressly teaches away from forming a pattern of shapes without rupture in the film at the pattern areas. Because the cited combination does not teach or suggest all the features of claim 1 or claim 3, the cited combination does not render claim 1, 3, or the claims depending therefrom obvious in the sense of 35 U.S.C. § 103. Favorable action thereon is respectfully requested.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at telephone number 770-587-8626 or fax number 770-587-7327.

Respectfully submitted,

Appl. No. 10/581,731
Amendment dated June 2, 2009
Reply to Office Action of December 2, 2008

DAY ET AL.

By: /Richard M. Shane/

Richard M. Shane, Registration No.: 50,921
2300 Winchester Rd.
Neenah, Wisconsin 54956
Phone: 770-587-8626

ELECTRONIC FILING CERTIFICATE

I, Faye Farrell, hereby certify that this correspondence and all attachments and any fee(s) are being electronically transmitted via the internet to the United States Patent and Trademark Office using the Electronic Filing System EFS-Web on June 2, 2009.

/Faye Farrell/
(signature)